

**DURHAM, NORTH CAROLINA
MONDAY, JUNE 1, 2020
7:00 P.M.**

The Durham City Council met in a regular session on the above date and time virtually via Zoom with the following members present: Mayor Steve Schewel, Mayor Pro Tempore Jillian Johnson and Council Members Javiera Caballero, DeDreana Freeman, Mark-Anthony Middleton and Charlie Reece. Absent: None.

Also Present: City Manager Tom Bonfield, City Attorney Kim Rehberg, City Clerk Diana Schreiber and Deputy City Clerk Ashley Wyatt.

Mayor Schewel called the meeting to order, welcomed everyone in attendance, and thanked all staff for their assistance with the virtual meeting.

Mayor Schewel recognized the death of George Floyd, an unarmed black man killed by police in Minneapolis, Minnesota and asked for a moment of silent meditation.

Council Member Reece led the Pledge of Allegiance.

[ANNOUNCEMENTS BY COUNCIL]

Mayor Pro Tempore Johnson read from a prepared statement that expressed solidarity with the communities of Ahmaud Arbery, Breonna Taylor and George Floyd; who were all killed in 2020 by police and vigilantes. She thanked the Durham Police Chief and the Police Department for their work in the community.

Council Member Middleton echoed the comments of Mayor Pro Tempore Johnson and called on friends and allies to be vigilant and to continue to do the hard work that it would take in order to move the country forward. He also recognized the Durham Police Department, residents of the city for keeping recent protests civil, and the Black Lives Matter Movement.

Council Member Freeman echoed the sentiments of her Council colleagues. She expressed pride in how the city had handled the “unexpected trauma” given the heightened racial climate throughout the country. She encouraged minority residents to recognize the hurt that they may have been feeling due to those unfortunate circumstances.

Council Member Reece stated that Black Lives Matter and that the country was seeing an epidemic of police violence. He thanked the Durham Police Chief and the Police Department for not creating a negative environment for peaceful protesters. He also suggested that more accountability for law enforcement officers, better use of force guidelines and more resources could help limit the occurrences of police violence.

Council Member Caballero thanked the other members of Council for their remarks and stated that everyone was struggling with two pandemics that had collided: COVID-19 and racism. She applauded the work of black people in the community working toward change and stated that she instilled in her children that Black Lives Matter.

Mayor Schewel read a written statement titled "North Carolina Statement on the Murder of George Floyd" that he and many Mayors of North Carolina signed condemning the murder of George Floyd by the Minneapolis Police Department.

[PRIORITY ITEMS]

City Manager Bonfield thanked the Council for their support of Chief Davis and advised that information requested from the Work Session meeting had been included with the meeting materials.

City Attorney Rehberg and City Clerk Schreiber thanked Council for their leadership on addressing and taking a stand against inequality everywhere.

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES (ITEM 1/ PR #13969)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Middleton, to approve the City Council Minutes for February 17, 2020 and February 20, 2020, was approved at 7:33 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: PARTICIPATORY BUDGETING (PB) GRANT AGREEMENT WITH EL FUTURO, INC. (ITEM 2/ PR 13916)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Middleton, to authorize the City Manager to execute a Grant Agreement with El Futuro, Inc. in an amount not to exceed \$96,168 to support mental health and substance use treatment programs, was approved at 7:33 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: INTERLOCAL AGREEMENT WITH DURHAM COUNTY FOR THE SHARING OF SALES TAX REVENUE (ITEM 3/ PR #13956)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Middleton, to ratify by resolution the one-year interlocal agreement (ILA) with Durham County for the sharing of sales tax revenue and to authorize the City Manager to execute the ILA on behalf of the City, was approved at 7:33 p.m. by the following vote: Ayes: Mayor Schewel,

Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: AMEND THE FY2019-20 BUDGET, INTERNAL SERVICE FUNDS SPENDING PLAN AND OTHER GRANT AND CAPITAL PROJECT ORDINANCES AND AMENDMENTS (ITEM 4/ PR #13958)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Middleton, to adopt a budget ordinance amending the City of Durham Budget Ordinance as amended, Fiscal Year 2019-20, the same being Ordinance #15485;

To adopt a Resolution superseding Resolution #10156 to amend the Internal Service Funds Fiscal Year 2019-2020 Financial Plan for the purpose of recognizing additional expenses;

To adopt the Federal Emergency Management Agency (FEMA) COVID-19 Grant Project Ordinance and authorize the City Manager to execute the grant agreement; and

To adopt the FY2019-20 Stormwater Capital Improvement Project Ordinance, as amended, the same being Ordinance #15488, was approved at 7:33 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**ORDINANCES #15616, 15617 & 15618
RESOLUTION #10168**

SUBJECT: LOAN COMMITMENT TO DEVELOPMENT VENTURES, INC. FOR COMMERCE STREET SENIORS APARTMENTS (ITEM 5/ PR #13951)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Middleton, to authorize the City Manager to issue to the Durham Housing Authority's subsidiary Development Ventures, Inc. or its designated affiliate approved by the City, a conditional binding commitment of construction/permanent financing in the amount up to \$1,500,000;

To authorize the City Manager to execute any and all documents and instruments, necessary, reasonable and appropriate in order to carry out the purpose and intent of this conditional binding commitment of permanent financing; and

To authorize the City Manager to make necessary changes to the conditional binding commitment of permanent financing, including any and all related documents and instruments and including assignment of the commitment, so long as the changes do not increase the financial obligations of the City, and the changes taken as a whole, are not less favorable to the City, was approved at 7:33 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**SUBJECT: LOAN COMMITMENT TO DURHAM HOUSING AUTHORITY/
DEVELOPMENT VENTURES, INC. FOR ELIZABETH STREET
APARTMENTS (ITEM 6/ PR #13952)**

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Middleton, to authorize the City Manager to issue to the Durham Housing Authority's subsidiary Development Ventures, Inc. or their designated affiliate approved by the City, a conditional binding commitment of construction/permanent financing in the amount up to \$1,100,000;

To authorize the City Manager to execute any and all documents and instruments, necessary, reasonable and appropriate in order to carry out the purpose and intent of this conditional binding commitment of permanent financing; and

To authorize the City Manager to make necessary changes to the conditional binding commitment of permanent financing, including any and all related documents and instruments and including assignment of the commitment, so long as the changes do not increase the financial obligations of the City, and the changes taken as a whole, are not less favorable to the City, was approved at 7:33 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

**SUBJECT: CONTRACT AMENDMENT #1 FOR THE INSTALLATION OF FEDERALLY
FUNDED U.S. DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT (HUD) SIGNALIZED PEDESTRIAN IMPROVEMENTS
(ITEM 7/ PR #13954)**

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Middleton, to increase the established project contingency fund in the amount of \$78,975.90 (15%) by \$39,397.14 (7%) to a total contingency fund of \$118,373.04 (22%); and

To authorize the City Manager to negotiate change orders to the project provided the cost of the contract, including all change orders, does not exceed the total project cost of \$644,879.04, was approved at 7:33 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: ALSTON AVENUE SIDEWALK PROJECT (ITEM 8/ PR #13950)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Middleton, to adopt the Federal Highway Administration (FHWA) Funding from the North Carolina Department of Transportation (NCDOT) for the Purpose of Constructing Sidewalks along Alston Avenue Grant Project Resolution Superseding Grant Project Resolution #10011; and

To authorize the City Manager to execute a municipal agreement with the NC Department of Transportation for the purpose of receiving \$1,077,577 of federal funding to construct

the Alston Avenue Sidewalk Project, was approved at 7:33 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: INTERLOCAL AGREEMENT FOR MOBILE TICKETING (ITEM 9/ PR #13959)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Middleton, to resolve to authorize the City Manager to execute the interlocal Agreement among the City of Raleigh, City of Durham, Town of Cary, Research Regional Public Transportation Authority, for the Procurement of Bus Mobile Ticketing Software and Hardware, was approved at 7:33 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

RESOLUTION #10169

SUBJECT: MOBILE TICKETING SYSTEM (ITEM 10/ PR #13962)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Middleton, to authorize the City Manager to execute a contract with Delerrok Inc. for a GoDurham mobile ticketing solution, which includes initial hardware and setup costs not to exceed \$235,000 and ongoing support/maintenance transaction fees having an estimated annual cost of approximately \$150,000, was approved at 7:33 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: TRANSIT FARE CAPPING POLICY (ITEM 11/ PR #13963)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Middleton, to authorize the City Manager to approve a fare capping policy for the GoDurham fixed route system, was approved at 7:33 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: ANNUAL INSURANCE PLAN FY21 (ITEM 13/ PR #13967)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Middleton, to authorize the City Manager or his designee to maintain the general insurance plan and modify it as needed, provided the modifications are consistent with the City's overall risk management and financial objectives;

To authorize the City Manager or his designee to purchase additional insurance throughout the year, as needed for endorsements, lease and contract requirements, new programs, and builders risk insurance; and

To authorize the City Manager or his designee to expend an amount for all insurance premiums not to exceed \$1,550,000 to maintain the annual insurance plan and make additional insurance purchases as needed beginning July 1, 2020, was approved at 7:33 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: BID REPORT - APRIL 2020 (ITEM 14/ PR#13955)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Middleton, to receive a report on the bids that were acted upon by the City Manager in April 2020, was approved at 7:33 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

To: Thomas J. Bonfield, City Manager
Through: Wanda S. Page, Deputy City Manager
From: David Boyd, Finance Director
 Frederick Nielsen, Purchasing Manager
 Jonathan Hawley, Purchasing Team Leader

Subject: Bid Report – April 2020

Recommendation:

To receive a report on the bids that were acted upon by the City Manager in April 2020.

Apparatus, Supplies, Materials, Equipment, Construction and Repair work:

1. Bid: Truck Purchase

Purpose of Bid: Provides the Water Management Department with one (1) 2020 Dodge Ram 2500 Crew cab 4 x 4 truck for the Lift Station Division.

Comments: Priced in accordance with purchasing cooperative program - North Carolina Sheriffs' Association Contract # 19-05-0911R -Specification # 181.

Opened: 3/20/2020

Bidders:

Vendor	Qty	Price	Total Cost
Performance Automotive Group Clinton, NC	1	\$ 40,152.40	\$ 40,152.40

Award Based on: ☐ Low Bid ☒ Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	3	2	1
Professional	12	8	4
Technical	21	17	4
Clerical	3	0	3
Labor	1	1	0
Total	40	28	12

UBE/SLBE REQUIREMENTS – MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	2	0	0	0	0
Professional	6	1	1	0	0
Technical	9	3	5	0	0
Clerical	0	0	0	0	0
Labor	1	0	0	0	0
Total	18	4	6	0	0

UBE/SLBE REQUIREMENTS – FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	1	0	0	0	0
Professional	4	0	0	0	0
Technical	3	1	0	0	0
Clerical	2	0	1	0	0
Labor	0	0	0	0	0
Total	10	1	1	0	0

2. Bid: Automotive Tools Set

Purpose of Bid: Provides the Fleet Management Department with various Masum set tools.

Comments: Priced in accordance with purchasing cooperative program - North Carolina Sheriffs' Association Contract # 19-05-0911R -Specification # 96.

Opened: 3/26/2020

Bidders:

Vendor	Qty	Price	Total Cost
IDSC Holding LLC Kenosha, WI	1	\$ 22,406.60	\$ 22,406.60

Award Based on: ☐Low Bid ☒Other (See Comments)
Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	28	21	7
Professional	35	14	21
Technical	58	53	5
Clerical	67	30	37
Labor	285	167	118
Total	473	285	188

UBE/SLBE REQUIREMENTS - MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	17	4	0	0	0
Professional	10	4	0	0	0
Technical	26	24	3	0	0
Clerical	23	7	0	0	0
Labor	105	57	3	0	0
Total	181	96	6	0	0

UBE/SLBE REQUIREMENTS - FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	6	1	0	0	0
Professional	15	6	0	0	0
Technical	5	0	0	0	0
Clerical	25	6	6	0	0
Labor	96	4	18	0	0
Total	147	17	24	0	0

3. Bid: Computer Software

Purpose of Bid: Provides the Technology Solutions Department with a Citywide Acronis software.

Comments: Emergency Purchase due to the malware attack.

Opened: 3/21/2020

Bidders:

Vendor	Qty	Price	Total Cost
CDW-G Vernon Hills, IL	1	\$ 13,350.00	\$ 13,350.00

Award Based on: ☐Low Bid ☒Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	2	1	1
Professional	37	22	15
Technical	0	0	0
Clerical	165	128	37
Labor	0	0	0
Total	204	151	53

UBE/SLBE REQUIREMENTS – MALES

Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	1	0	0	0	0
Professional	20	0	0	2	0
Technical	0	0	0	0	0
Clerical	121	3	0	4	0
Labor	0	0	0	0	0
Total	142	3	0	6	0

UBE/SLBE REQUIREMENTS – FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	1	0	0	0	0
Professional	10	5	0	0	0
Technical	0	0	0	0	0
Clerical	23	10	0	4	0
Labor	0	0	0	0	0
Total	34	15	0	4	0

4. Bid: Computer Software

Purpose of Bid: Provides the Technology Solutions Department with Acronis Snap cyberattack software.

Comments: Priced in accordance with purchasing cooperative program - Sourcwell Contract # 081419.

Opened: 3/21/2020

Bidders:

Vendor	Qty	Price	Total Cost
CDW-G Vernon Hills, IL	1	\$ 33,375.00	\$ 33,375.00

Award Based on: ☐ Low Bid ☒ Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE

Employment Category	Employees	Males	Females
Project Mgr.	2	1	1
Professional	37	22	15
Technical	0	0	0
Clerical	165	128	37
Labor	0	0	0
Total	204	151	53

UBE/SLBE REQUIREMENTS – MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	1	0	0	0	0
Professional	20	0	0	2	0
Technical	0	0	0	0	0
Clerical	121	3	0	4	0
Labor	0	0	0	0	0
Total	142	3	0	6	0

UBE/SLBE REQUIREMENTS – FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	1	0	0	0	0
Professional	10	5	0	0	0
Technical	0	0	0	0	0
Clerical	23	10	0	4	0
Labor	0	0	0	0	0
Total	34	15	0	4	0

5. **Bid:** Air Filter Masks

Purpose of Bid: Provides the Police Department with various sizes of Avon masks and equipment.

Comments: Priced in accordance with purchasing cooperative program - US Communities Contract #4400008468.

Opened: 3/21/2020

Bidders:

Vendor	Qty	Price	Total Cost
Safeware, Inc. Richmond, VA	1	\$ 40,625.00	\$ 40,625.00

Award Based on: ☐Low Bid
Workforce Statistics

☒Other (See Comments)

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	19	9	10
Professional	1	1	0
Technical	12	12	0
Clerical	44	19	25
Labor	8	6	2
Total	84	47	37

UBE/SLBE REQUIREMENTS - MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	9	0	0	0	0
Professional	1	0	0	0	0
Technical	11	0	0	1	0
Clerical	19	0	0	0	0
Labor	2	3	1	0	0
Total	42	3	1	1	0

UBE/SLBE REQUIREMENTS - FEMALES					
Employment Category	White	Black	Hispanic	Asian or	Indian or

				Pacific Islander	Alaska Native
Project Mgr.	9	1	0	0	0
Professional	0	0	0	0	0
Technical	0	0	0	0	0
Clerical	17	8	0	0	0
Labor	0	2	0	0	0
Total	26	11	0	0	0

6. **Bid:** Heavy Equipment Purchase

Purpose of Bid: Provides the Fleet Maintenance Department with one wire steel partition case.

This is a low bid award in accordance with City of Durham Purchasing guidelines.

Comments:

Opened: 4/1/2020

Bidders:

Vendor	Qty	Price	Total Cost
Miller Industrial Supply Raleigh, NC	1	\$ 11,363.00	\$ 11,363.00
Patterson Pope Cincinnati, OH	1	\$ 17,950.00	\$ 17,950.00

Award Based on: ☒ **Low Bid**

☐ **Other (See Comments)**

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	0	0	0
Professional	5	2	3
Technical	0	0	0
Clerical	1	0	1
Labor	1	1	0
Total	7	3	4

UBE/SLBE REQUIREMENTS – MALES

Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	0	0	0	0
Professional	2	0	0	0	0
Technical	0	0	0	0	0
Clerical	0	0	0	0	0
Labor	1	9	2	0	0
Total	3	0	0	0	0

UBE/SLBE REQUIREMENTS – FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	0	0	0	0
Professional	3	0	0	0	0
Technical	0	0	0	0	0
Clerical	1	0	0	0	0
Labor	0	0	0	0	0
Total	4	0	0	0	0

7. Bid: Heavy Equipment Purchase

Purpose of Bid: Provides the Water Management with a water pump control at the Eno Pump Station.

Comments: Electrical Equipment Company is sole authorized provider of Eaton electrical products.

Opened: 4/9/2020

Bidders:

Vendor	Qty	Price	Total Cost
Electrical Equipment Company Raleigh, NC	1	\$ 42,825.00	\$ 42,825.00

Award Based on:

☐ Low Bid

☒ Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	1	1	0
Professional	4	3	1
Technical	3	3	0
Clerical	4	1	3
Labor	4	3	1
Total	16	11	5

UBE/SLBE REQUIREMENTS - MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	1	0	0	0	0
Professional	2	0	1	0	0
Technical	2	0	0	1	0
Clerical	1	0	0	0	0
Labor	2	1	0	0	0
Total	8	1	1	1	3

UBE/SLBE REQUIREMENTS - FEMALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	0	0	0	0	0
Professional	1	0	0	0	0
Technical	0	0	0	0	0
Clerical	3	0	0	0	0
Labor	0	1	0	0	0
Total	4	1	1	0	0

8. Bid: Computer Software

Purpose of Bid: Provides the Technology Solutions Department with Malwarebytes support software.

Comments: Emergency Purchase due to the malware attack.

Opened: 4/20/2020

Bidders:

Vendor	Qty	Price	Total Cost
Software House International Somerset, NJ	1	\$ 26,902.00	\$ 26,902.00

Award Based on: ☐Low Bid ☒Other (See Comments)

Workforce Statistics

TOTAL WORKFORCE			
Employment Category	Employees	Males	Females
Project Mgr.	30	16	14
Professional	9	3	6
Technical	3	3	0
Clerical	16	3	13
Labor	0	0	0
Total	58	25	33

UBE/SLBE REQUIREMENTS - MALES					
Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	13	2	1	0	0
Professional	3	0	0	0	0
Technical	3	0	0	0	0
Clerical	3	0	0	0	0
Labor	0	0	0	0	0
Total	22	2	1	0	0

UBE/SLBE REQUIREMENTS - FEMALES

Employment Category	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaska Native
Project Mgr.	7	7	0	0	0
Professional	5	0	1	0	0
Technical	0	0	0	0	0
Clerical	9	3	1	0	0
Labor	0	0	0	0	0
Total	21	10	2	0	0

SUBJECT: COOPERATIVE GROUP PURCHASE CONTRACT – SEVEN (7) SUTPHEN HEAVY DUTY FULLY CUSTOMIZED PUMPERS FOR THE DURHAM FIRE DEPARTMENT (ITEM 15/ PR #13970)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Middleton, to authorize the City Manager to execute a contract with The Sutphen Corporation for the purchase of seven (7) Sutphen Heavy Duty Fully Customized Pumpers in the amount of \$3,898,963.49, was approved at 7:33 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: CONTRACT WITH LANIER TREE SERVICES, LLC FOR THE REMOVAL OF CITY TREES (ITEM 16/ PR #13953)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Middleton, to authorize the City Manager to execute a contract with Lanier Tree Services, LLC in an amount not to exceed \$189,240;

To establish a contingency fund in the amount of \$10,760; and

To authorize the City Manager to negotiate and execute change orders to the contract so long as the total project cost does not exceed \$200,000, was approved at 7:33 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

SUBJECT: U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) 2020 PARTNERSHIP INITIATIVE GRANT (ITEM 17/ PR #13968)

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Middleton, to authorize the City Manager to accept the U.S. Department of Housing and Urban Development 2020 Partnership Initiative Grant; and

To adopt the City of Durham grant project ordinance in the amount of \$10,000, was approved at 7:33 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

ORDINANCE #15619

Council Member Freeman noted that the amount of public comments received was unusually low and that how the city was obtaining public comments in the new virtual era may need to be revisited.

[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

SUBJECT: FY2020-21 BUDGET AND FY2021-2026 CAPITAL IMPROVEMENT PROGRAM (CIP) (ITEM 21/ PR #13949)

Mayor Schewel opened the public hearing and asked if there were any speakers to the item of conducting a public hearing to receive comments regarding the City Manager's proposed FY2020-21 Budget and FY2021-26 Capital Improvement Plan (CIP).

Director of Budget and Management Services Bertha Johnson introduced the item and stated that she was available for any questions.

Nathaniel Gartner, a resident of Durham, spoke to the police department's budget and asked that they not receive additional funding.

A Water Management employee, spoke in opposition of the current budget and asked that merit pay increases be included in the budget instead of being omitted.

Daniel Purifoy, a representative of Durham Beyond Policing, spoke to the police department's budget and asked that they not receive additional funding.

Seeing no additional speakers, Mayor Schewel closed the public hearing.

There was no vote taken on the item.

SUBJECT: 600 NORTH ROXBORO (ITEM 22/ PR #13839)

Pat Young, Director of the City-County Planning Department, introduced the item and stated that public comments were available to be made in writing on the city website as well as people were able to call in to the meeting to be able to make public comments.

Emily Struthers, Senior Planner stated for the record that the Planning Department hearing item had been advertised and noticed in accordance with state and local law, and affidavits

of all notices were on file in the Planning Department and provided the following staff report:

A request for a zoning map change had been received from Tim Sivers with Horvath Associates. The site was 0.707 acres located generally at 600 North Roxboro Street. The applicant had applied for a zoning map change from Residential Urban - Multifamily to Residential Urban Multifamily with a Development plan in order to allow for additional density.

Key commitments included transit related improvements of a bus pull out and bus shelter, curb extensions for parallel parking spaces, prominent framed entryways on the Roxboro Street frontage, and contributions to the Durham Public Schools and to the city Affordable Housing Fund. Additional commitments were identified in the staff report and on the Development Plan.

Two points of clarification within the staff report were that the site plan for eight units referenced under item B, site history, had since been approved and since the initial writing of the staff report, the building had been demolished.

The Durham Planning Commission, at their November 12, 2019 meeting, recommended approval by a vote of 9 to 4 of the proposed Residential Urban Multifamily with a Development plan zoning. Staff determined that the request was consistent with the Comprehensive Plan, including the Future Land Use Map and other adopted ordinances and plans. Two motions were required for the application. The first was to adopt a consistency statement and the second was for the zoning ordinance.

Mayor Schewel declared the public hearing open and asked if there were any speakers to the item.

Council Member Reece asked if any improvements had been made to the application that addressed the concerns of the Planning Commission.

Mr. Struthers stated that text commitment number 4 addressed those concerns.

Council Member Middleton asked if it was common for a developer to not include if the proposed units would be for sale or for rent.

Mr. Struthers stated that the UDO did not regulate whether units being for sale or for rent was required in the application.

Mr. Young stated that would have been unusual for a developer to have included that information; however, some developers did include it voluntarily.

Tim Sivers, a representative for the applicant, stated that his client held a voluntary community meeting, and spoke to architectural design concerns, affordable housing concerns, sidewalks, as well as tree lining concerns. He informed the meeting that the

property would be condominiums that would sell for \$650,000.00 to \$2.5 Million and that his client would be contributing \$14,000.00 to the City of Durham Dedicated Housing Fund and would be providing a 5% tree coverage, although it was not required.

Seeing no additional speakers, Mayor Schewel declared the public hearing closed.

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z1900004 – 600 North Roxboro

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, was required to approve a statement describing how the action was consistent with the Durham Comprehensive Plan; and

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, was required to provide a brief statement indicating how the action was reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE DURHAM CITY COUNCIL AS APPROPRIATE:

That final action regarding zoning map change Z1900004, 600 North Roxboro was based upon review of, and consistency with, the Durham Comprehensive Plan and any other officially adopted plan that is applicable, as provided in the 'Consistency with Adopted Plans' and 'Reasonable and in the Public Interest' sections of the staff report and Attachment 6, 'Comprehensive Plan Consistency Analysis'; dated June, 1 2020, regarding the subject '600 North Roxboro' (Z1900004) along with additional agenda information provided to the City Council and information provided at the public hearing; and

It was the objective of the Durham City Council to have the Unified Development Ordinance promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. This zoning map change promotes this by offering fair and reasonable development regulations supported by the 'Consistency with Adopted Plans' and 'Reasonable and in the Public Interest' sections of the staff report and Attachment 6, 'Comprehensive Plan Consistency Analysis'; dated June, 1 2020, regarding the subject '600 North Roxboro' (Z1900004) along with additional agenda information provided to the City Council and information provided at the public hearing. Therefore, the request was reasonable and in the public interest.

MOTION by Council Member Caballero, seconded by Mayor Pro Tempore Johnson, to adopt a consistency statement as required by NCGS 160A-383, was approved at 8:05 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Caballero, to adopt an ordinance amending the Unified Development Ordinance by taking property out of the Residential Urban-Multifamily (RU-M) and establishing the same as the Residential Urban-Multifamily (RU-M(D)), was approved at 8:06 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Freeman, Middleton and Reece. Noes: None. Absent: None.

ORDINANCE #15620

SUBJECT: FY2021 STORMWATER RATES (ITEM 27/ PR #13895)

Paul Weibke, Assistant Director of Public Works, introduced the item and advised that the presentation was previously shown at the Session meeting and broadly summarized some of the fees associated with the proposed ordinance.

Mayor Schewel opened the public hearing and asked if there were any speakers to the item.

Mayor Schewel asked if any additional public comments had been received that needed to be shared with Council.

Mr. Weibke stated that he received additional public comment and would forward to Council, as well as, read them into the record.

Seeing no additional speakers, Mayor Schewel declared the public hearing closed.

MOTION by Mayor Pro Tempore Johnson, seconded by Council Member Caballero, to adopt an ordinance to change the Fee Schedule revising stormwater rates effective on July 1, 2020, was approved at 8:13 p.m. by the following vote: Ayes: Mayor Schewel, Mayor Pro Tempore Johnson and Council Members Caballero, Middleton and Reece. Noes: Council Member Freeman. Absent: None.

ORDINANCE #15621

[GENERAL BUSINESS AGENDA]

SUBJECT: PROPOSED WATER AND SEWER RATES FOR FY 2020-2021 (ITEM 12/ PR #13966)

Don Greeley, Director of Water Management, introduced the item and advised that he was available to receive any questions.

Council Member Freeman stated that she could not support the increase in additional fees.

Mayor Pro Tempore Johnson expressed concerns about setting the rates prior to adopting the budget.

City Manager Bonfield advised that the Council could adopt the rates the same night as they were to adopt the budget; however, it would be challenging to calculate the new rates immediately.

Council Member Middleton asked if the requested full time employee positions were mission critical since they seemed to be the driving force behind the rate increase.

Council Member Reece asked if the rate had to be set before the start of the new fiscal cycle.

Mr. Greeley responded that the rate did not have to be set prior to the new fiscal cycle.

Mayor Schewel suggested that the Council take the item up at a future special meeting after the budget had been voted on.

Council Member Middleton asked how many full time employee positions were open in the Water Management Department.

Mr. Greeley advised that there were roughly 22 vacant positions in the Department.

Council Member Middleton asked how long those positions had been vacant.

Mr. Greeley advised that he could send that information to Council.

With no consensus of the Council, the item was referred back to the administration.

Mayor Schewel advised Council to send any immediate questions to staff regarding the upcoming Work Session meeting due to its length.

[ADJOURNMENT]

Seeing no further business to come before the Council, Mayor Schewel adjourned the meeting at 8:28 p.m.

Ashley Wyatt, CMC
Deputy City Clerk

Diana Schreiber, CMC
City Clerk